



Military Spouses' Career Network

www.mscn.org

Unemployment Compensation

A State-by-State Guide to the Laws as they
Affect Military Spouses' Eligibility for Benefits
Upon PCS-Related Job Loss

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--- From a *Declaration of Principles* jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations

Unemployment Compensation

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Demographics of Today's Military Personnel and Their Spouses

In September, 1999, the Defense Manpower Data Center reported 1,405,446 active duty personnel in the US armed forces, including the Department of Defense and the US Coast Guard. Over half were married, and among DoD personnel, 81% were stationed in the US (including Alaska and Hawaii). Eighty-eight percent were stationed in areas with high concentrations of military personnel. Those states with the highest concentration of military personnel include:

- | | |
|--------------------|---------------------------|
| (1) Virginia | (12) Colorado |
| (2) California | (13) Oklahoma |
| (3) Texas | (14) Maryland |
| (4) North Carolina | (15) Arizona |
| (5) Georgia | (16) Mississippi |
| (6) Florida | (17) Missouri |
| (7) Washington | (18) New York |
| (8) Hawaii | (19) Kansas |
| (9) South Carolina | (20) District of Columbia |
| (10) Kentucky | (21) Alaska |
| (11) Illinois | |

Currently, about 88 percent of military spouses are female, and 89 percent are civilians. Military spouse labor force participation has been steadily increasing over the past several decades. It is estimated that in 1974 less than one-third of military spouses were in the labor force, but by 1980, nearly half were working or seeking employment. The results of a 1997 survey of the spouses of enlisted personnel¹ indicate that 91 percent are currently in the labor market—only 9 percent did not express a desire to work, and had neither worked nor sought work in the previous year. Among those in the labor market, 39 percent were employed full-time, 24 percent worked part-time, 24 percent were unemployed and currently seeking employment, while the remaining 13 percent were neither employed nor currently seeking employment.² Among those working part-time, nearly 80% indicated that they would prefer to work more hours. The unemployment rate of 24% among the spouses of enlisted personnel is particularly troubling, when compared

¹ R. Bureika, M. Reiser, S. Salvucci, B. Maxfield & R. Simmons (1999). *Effective Strategies to Assist Spouses of Junior Enlisted Members with Employment: Analysis of the 1997 Survey of Spouses of Enlisted Personnel*. DMDC Report No. 99-007. Arlington, VA: Defense Manpower Data Center.

² Spouses in the workforce, unemployed but not currently seeking employment, may include those awaiting an impending transfer, the discouraged unemployed, and/or those located in geographic areas where the Status of Forces Agreement, local economic conditions, unavailability of adequate childcare, or lack of transportation preclude employment.

to a national unemployment rate of only 4.8% for the same period (Bureau of Labor Statistics, 1997). Demographic data indicate that on average, military spouses tend to have slightly higher levels of educational attainment compared to their civilian peers. Thus, it would seem there is immense potential to reduce unemployment among military spouses while at the same time, providing local employers with a very competitive labor pool.

Military spouses' reasons for working vary, and have undergone a fairly dramatic transformation over the years. In the past, wives of enlisted men worked mainly for financial reasons, while officers' wives were primarily motivated by enjoyment or self-improvement (Orthner, 1980.) More recently, however, the distinction between the work motivations of spouses of enlisted and officer personnel, has blurred. While the need to meet basic family expenses was identified as a "very important" reason for their wanting or needing to work by 86% of the spouses of the most junior military personnel, nearly half expressed their interests and enjoyment of work as a very important reason. Saving money for the future was cited by 82% of enlisted spouses as a "very important" reason for their working, with nearly 60% dedicated to gaining experience for the future.

Military spouses can be found in nearly all occupations. The 1997 Survey of Spouses of Enlisted Personnel found that 20 percent were employed in professional, technical, managerial or administrative occupations. Thirty-one percent worked in clerical occupations, 14 percent in service occupations, and 8 percent in sales. Nine percent of enlisted spouses are childcare workers, and 13 percent are school teachers. State occupational licensing and professional registration requirements can present a significant barrier to obtaining employment upon transfer to a new location. Waiting periods, the lack of state-to-state reciprocity, and in some cases, significant fees can have a severe impact on this mobile segment of the US workforce.

DoD figures indicate that during 1996, median earnings for enlisted spouses were \$10,784. Among those with at least a 4-year degree, median earnings were \$15,000, and \$4,148 for those without a high school diploma. Due to the high unemployment rate, these figures grossly understate the earnings potential of military spouses. Indeed, among enlisted spouses who worked for pay during 1996 and responded to the DoD survey, 7% earned more than \$30,000. As such, these spouses were the *primary earner* in the military family. When such families are uprooted due to military transfers, they lose their *primary* source of financial support.

Over 95% of military spouses have completed high school. Over half has some college training (less than a 4-year degree), and one-fifth has earned a bachelor's degree. One in 20 military spouses holds a graduate or professional degree. DoD figures indicate that the higher an enlisted spouse's educational attainment, the more likely she or he is to have worked for pay during the preceding year. Eighty-two percent of enlisted spouses with at least a 4-year degree had earnings, compared to only 63 percent of those with a high school diploma or GED.

Spouse Employment's Impact on Military Retention and Readiness

The availability of higher education is critically important to military spouses' career development. The US Department of Education reports an increasing trend in the percentage of high school graduates (and in particular, women) who go on to 4-year colleges. Accordingly, access to higher education and fulfillment of their educational goals will likely become an increasingly important consideration in military spouses' satisfaction with military family life, and in their ability to remain competitive in the labor market. Most states extend in-state tuition rates to members of the armed forces (and their dependents) who reside in the state under military orders. However, insufficient time between the notice of transfer orders and financial aid deadlines can make it difficult for military spouses to obtain the financial assistance needed to pay even the in-state tuition rate. Yet without access to in-state tuition rates, essential education would be out of reach for the vast majority of military spouses. With continuing expansion of distance education, even spouses in remote and overseas locations will be able to obtain the advanced education and occupational training that is so essential to their ability to find employment that is appropriate to their skills, interests, and economic needs.

Enlisted spouses with at least a 4-year degree are most likely to be "successfully employed" in a job that uses their skills and training, and offers sufficient hours to meet their needs. *Underemployment*, or holding a job that fails to make effective use of the individual's skills and prior training and/or which offers earnings which are significantly less than received in the past, has been a persistent problem for military spouses. The 1997 Survey of Spouses of Enlisted Personnel again found this to be so, particularly among military spouses with some college (but less than a 4-year degree.)

Research suggests that spouse satisfaction and support for the military career is important to retention and readiness.³ Spouses who are satisfied in their careers are more likely to support the member's military career, compared to those who feel the military career has hampered their career aspirations. And, military members with employed spouses report that they worry less about their families' well-being when facing deployment, thus enhancing readiness.⁴

Spouse unemployment imposes significant stressors on the military family, above and beyond the financial strain. Analysis of data from one installation identified a startling trend; while severe relationship violence reports by female servicemembers whose husbands are also in the military, or whose husbands are civilian employees were roughly equivalent to the average reported for the base-wide population, the rate reported by servicemembers whose husbands were *unemployed* was four times greater.⁵ In addition to financial strain, social pressure may be more severe for unemployed husbands of servicemembers. Repeated, innocent inquiries concerning their career/employment status at social functions may only serve to exacerbate the problems of unemployment, by eroding self-esteem, fostering competition or jealousy of their military partner's career, etc. Furthermore, the social/support structure at most installations has not sufficiently evolved

³ L.L. Woods (1989). *Family Factors and the Retention Intentions of Army Enlisted Personnel*. Research Triangle Park, NC: The Research Triangle Institute.

⁴ J. Scarville (1990). "Spouse Employment in the Army: A Summary of Research Findings." In: D.A. Blackinship, S.L. Bullman & G.M. Croan, *The Policy, Program and Fiscal Implications of Military Family Research: Proceedings of the 1990 Military Family Research Review*. Final Report, Washington, DC: Office of the Assistant Secretary of Defense, Office of Family Policy and Support.

⁵ Analysis of the *Personnel & Environment Factors Inventory*, conducted by Peter H. Neidig, Behavioral Science Associates, September 1995.

to the extent necessary to ensure full acceptance of the military husband—particularly one who does not work. These factors may combine to create a very inhospitable environment for the unemployed male spouse.

Yet it is not employment, *per se*, that appears to influence spouse satisfaction and their support for the military member's career. Support for retention is low when spouses must accept employment that is less than that which they need or expect, or less than that which they could obtain if married to a civilian. Thus, *underemployment* of military spouses may negatively impact retention. And poor retention negatively impacts readiness while increasing cost of our national defense; despite the high perceived cost of military materiel and equipment, over one-quarter of the Defense budget is spent on personnel. When military members opt to leave active duty, the costs of recruiting, training, outfitting, and maintaining readiness increase.

A number of factors contribute to unemployment and underemployment among military spouse, including:

The lack of unemployment compensation – Relatively few states have explicit provisions which accurately regard military spouses' loss of employment upon transfer as *involuntary*. The policies and current status of pending unemployment legislation of interest to military spouses is contained in this Guide. Their ineligibility for unemployment compensation often forces military spouses to take any available job in order to avert financial hardship. Additionally, recent DoD analyses found that junior enlisted personnel are reimbursed for relocation costs at an average rate that amounts to roughly one-third of their actual costs. This economic burden routinely results in their spouses favoring *immediate* earnings in the short-term, rather than a properly executed job search that yields more appropriate employment and higher earnings over the long-term. In addition to the obvious disadvantage to the military family's finances, the reduced earnings of military spouses translate to reduced income tax revenues for the state, and where applicable, local governments.

The lack of appropriate job placement assistance – Although spouse employment assistance is one of the core services offered at installations with 500 or more assigned military personnel, such services frequently fail to have a measurable impact on the unemployment rate. The diversity of spouses, representing the gamut from high school graduates to doctors—and including non-native English speakers and those with varying degrees of experience, skills, and occupational interests representing all ethnic backgrounds—creates an immense challenge for those attempting to develop and refine programs to help military spouses find employment. DoD figures indicate that only 10 percent of military spouses have availed themselves of such services; over half weren't aware that such services exist. Others may have found existing services (or their prior experiences with such programs) unresponsive to their relatively unique needs. At installations with less than 500 military personnel, spouses are dependent upon community resources that lack an incentive to assist them and frequently are ill-prepared to provide the type of unique career guidance and job placement assistance required. In the absence of appropriate job placement and career development assistance, military spouses' frustration and lack of success in finding employment can lead to chronic undervaluing of their own skills and the failure to set appropriately high expectations in their job searches—resulting in underemployment.

Bias among employers – Discussions of employment among military spouses are rich with “war stories” of employment prospects gone bad, when the interviewer realized the applicant was a military spouse. “We don't hire military spouses,” is sometimes uttered openly, while in most cases, it is more subtle. Minnesota is perhaps the only state where

anti-discrimination statutes bar not only discrimination on the basis of marital status, but also as to the characteristics of one's spouse—which could include the fact that they are a member of the armed forces. Many employers cannot grasp the breadth and diversity of experience contained in the resume of a typical military spouse—because they are overwhelmed by the seemingly short duration of the military spouse's tenure in past positions. Yet figures from the US Department of Labor, Bureau of Labor Statistics indicate that nationally, the average job tenure has been steadily declining, and is just over 3 years in many occupations. Today, military spouses are about as “stable” on average as other job applicants, but employers are slow to embrace the changing workforce trends and realize this.

Geographical impact on opportunities – By design, many military installations are located away from metropolitan areas, as their particular mission or infrastructure requirements are more suitable to a rural, coastal, or sparsely-populated area. A recent economic analysis on military spouses' earnings⁶ demonstrated depressed earnings among military spouses overall, as compared to their civilian counterparts, but suggesting that Army and Air Force spouses are disproportionately underpaid. On closer analysis, however, the inter-service disparity in spouses' earnings can be related to geographical factors. While spouses of members of the sea services may earn more on average, as a rule, the seaside communities where their military partners are stationed represent areas with a significantly higher cost of living. Correcting for such differences, the inter-service disparities are likely to diminish, if not disappear. Yet, the high unemployment rate, and in particular, its chronicity, results in an estimated 25 percent loss in earnings for military spouses on average, over the course of their partner's career.

Relocating military installations to assure proximity to the nation's economic centers is clearly unfeasible. Biases among employers are difficult to overcome, although initiatives by the Military Spouses' Career Network (inspired by a grant to the Naval Submarine Base New London, CT by the DoD Office of Family Policy, for the demonstration of new innovations in spouse employment opportunities) and more recently, a partnership between the Department of Defense and the US Chamber of Commerce's Center for Corporate Citizenship, can help reduce such biases while encouraging improved employment opportunities for military spouses. DoD Family Readiness Centers continue to look for new strategies to improve the services offered to spouses, increase their availability, and ensure their cost-effectiveness. New internet-based resources such as the Navy's *Lifelines* show promise for improving both the accessibility and fiscal efficiency of spouse employment assistance and other programs. Non-profit entities such as the Military Spouses' Career Network and for-profit recruiting and career consulting firms exist to fill gaps left by employment assistance programs that realistically cannot be all things to all spouses. The National Military Family Association's ongoing advocacy efforts to promote enhanced opportunities for spouses in education, employment and career development will go a long way toward improving the financial stability of military families and the support of military spouses for their partner's decision to remain on active duty. A specific initiative for 2001, to promote Federal and State coordination to provide equity in unemployment compensation for military spouses as a result of PCS orders, will focus increased attention on this long standing problem. This Guide was developed in support of NMFA's 2001 initiative, and to provide military spouses with improved access to information that impacts them.

⁶ E.C. Wardynski (2000). *Military Compensation in the Age of Two-Income Households: Adding Spouses' Earnings to the Compensation Policy Mix*. Dissertation submitted to the RAND Graduate School of Public Policy Analysis. Santa Monica, CA: RAND.

Unemployment Compensation Eligibility and Military Spouses

The following section of this Guide summarizes the requirements for unemployment compensation eligibility in the 50 states, the District of Columbia, and the US possessions. Excerpts from the regulations are provided, where available. In other instances, the published policies of the states' unemployment administration is excerpted. Pertinent case law that served as the genesis of the regulations or to clarify their application, are also included. Information on the status of pending legislation which could change military spouses' likely eligibility in that jurisdiction is also summarized; however, this latter information is subject to change as the legislatures deliberate, and as such, may no longer be current. Indeed, some proposals appear to have effectively stalled, but information about them is provided for historical reference. The most current revisions to this report can be obtained at the Military Spouses' Career Network (MSCN) web site, www.mscn.org. For the most up-to-date information, however, links and references to URLs are also provided, where available, to enable users of this report to obtain the most recent information between revisions.

In all but three states, unemployment insurance benefits are funded through employer contributions to the state and/or federal unemployment insurance fund. In the states of Alaska, New Jersey, and Pennsylvania, employees make a nominal contribution to the unemployment insurance fund (less than 1.5% of their taxable wages.)

The laws of several States—Colorado, Maryland, Massachusetts, Ohio, Texas, Utah, and Virginia—include specific a disqualification for claimants who left work to relocate with a spouse. However, in Texas, the disqualification is only temporary; and in Ohio, the requirements for re-establishing eligibility are limited—the claimant must earn \$60.00 in covered employment (thereby demonstrating attachment to the labor market at the new location) and then become involuntarily unemployed, at which time the disqualification will be lifted. In such cases, accepting temporary employment at the new duty station can enable the military spouse to become qualified for benefits until a more permanent employment opportunity becomes available.

In several states, the disqualification following a “voluntary quit” continues until the claimant returns to work, completes a specified duration of work, and earns wages of a specified amount. In other states, the disqualification is durational; such states penalize the claimant for quitting, but recognize that economic conditions may be such that even a person who diligently seeks work may find none. The reasoning is that beyond a certain point, if a diligent job seeker is still unemployed, such continuing unemployment is attributable to labor market conditions, rather than their decision to quit. Military spouses need to be aware of these provisions, as those relocating to areas of high unemployment and/or limited opportunities may become eligible for benefits, even if initially disqualified.

The majority of states' unemployment compensation regulations restrict eligibility to employees who left the job for a reason that is *directly attributable to the employer*. This would include such things as plant closures, layoffs or “downsizing,” restructuring that eliminates the claimant's position, or relocation of *the work site* to a location outside the regular commuting area. Demonstration by the claimant of unremediated, dangerous working conditions that would lead any prudent person to terminate employment are also generally deemed an *involuntary* termination, even though the claimant technically “quit.” In such states, an explicit provision would be required to permit military spouses' eligibility, as their loss of employment is attributable to the *military service* rather than the *spouse's employer*.

In general, those states that have explicit provisions enabling individuals to receive unemployment insurance benefits upon loss of employment due to the job-related transfer of a spouse, extend such eligibility to “trailing spouses” in general, rather than regarding military spouses as an explicit, unique exception. Yet other states, while lacking a codified provision for extending benefits to military spouses, do so on a case-by-case basis. Of note (especially to the employers of military spouses), those states that do permit military spouses to receive unemployment benefits upon loss of employment due to PCS orders do **not** charge the employer’s unemployment insurance (UI) account, and thus do not negatively impact the employer’s experience rating for the purposes of establishing UI rates. Because the benefits are not charged against the former employer’s account, the employer is not put at risk for a higher UI tax rate the following year. Especially for small employers, this is important to know, as a single claim could otherwise result in a measurable impact on their tax rate. In some cases, the employer may be required to file a protest in order to avoid the charge to their UI account, but this will in no way affect benefits paid to the military spouse, which are instead, currently paid from the state’s general unemployment insurance fund. Provisions for Federal reimbursement to the states, as is the case when former Federal employees or ex-servicemembers are awarded unemployment compensation, would likely be necessary before military spouse eligibility is extended throughout the United States.

Nearly all states have a provision that provides eligibility where the claimant can demonstrate “clear and compelling” reasons for voluntary termination. Unfortunately, the regulations rarely document the criteria applied in such situations. Such “unwritten laws” are being researched on an on-going basis, and will be documented in subsequent revisions to this Guide.

Most military spouses will file what is known as an *interstate claim*, in other words, a claim for unemployment benefits in one state (the state of temporary residence at their partner’s new duty station) based on eligibility established in another state (the state where they previously worked.) In an interstate claim, eligibility is based upon the requirements of the state *where the spouse had worked*, rather than the state where the claim is made. For this reason, spouses should take care not to act based on assurances or denials of well-meaning staff in the office where they apply for benefits. Unless such staff members have experience in handling interstate claims, they may advise spouses based on the laws of that state, which are likely to be different.

Spouses who are employees of the federal government should be aware that their eligibility is determined by the laws of the *state*, even though benefits are actually reimbursed to the state by the federal government. A unique situation exists when the spouse held an appointment in the federal service obtained under Program S of the Department of Defense Priority Placement Program.⁷ Such appointments are time-limited, and based upon the official orders of the military sponsor. In such cases, even if state law does not provide for eligibility based upon the military partner’s transfer, because the spouse’s appointment is automatically terminated upon the sponsor’s execution of follow-on PCS orders, this is an *involuntary termination*, and the spouse is normally eligible for benefits.

Few sources of information exist regarding the economic and non-economic impact of existing unemployment eligibility policies on military spouses, and vice versa. It is for this reason that the Military Spouses’ Career Network urges military spouses to file an unemployment claim, even if existing information suggests they may be disqualified from

⁷ For more information on Program S of the Department of Defense Priority Placement Program (often referred to as “Military Spouse Preference”) visit the MSCN web site, www.mscn.org.

receiving benefits. Claims create data, data that are the basis for analyses of the public policy implications of existing and proposed changes to unemployment and job assistance programs. Inquiries from states contemplating changes to their unemployment compensation regulations often result in the realization that inadequate data exist to provide maximum guidance to such efforts.

In the absence of unemployment compensation, military families bear the full economic burden of unemployment when the spouse is forced to leave his or her job due to the servicemember's Permanent Change of Station orders. Sharing this burden through increased availability of unemployment compensation will create an economic incentive to encourage the states, Federal government, employers, and business organizations to work together to develop more effective strategies to reduce unemployment and underemployment among military spouses. Studies show our country's ability to recruit and retain the finest individuals in military service is dependent upon the satisfaction of military family members with the unique military family lifestyle. Because spouse employment is a proven contributor to that satisfaction, it behooves those concerned with military readiness and our nation's defense to ensure that adequate and appropriate employment opportunities are available to military spouses who seek them.

Military spouses (and others) who have reviewed the pertinent information and have additional questions are invited to contact the MSCN Career Coach at careercoach@mscn.org. Those who would like to actively participate in advocacy initiatives to promote state/federal efforts to provide equity in unemployment compensation for military spouses upon PCS-related loss of employment, are invited to contact the MSCN Career Coach, or the National Military Family Association at (703) 823-6632, or families@nmfa.org

Users of this Guide are encouraged to visit the web sites listed for the most up-to-date information. Because these regulations are subject to interpretation—and in many cases, are applied on a case-by-case basis—military spouses are encouraged to investigate the eligibility requirements *for the state in which they are employed* prior to leaving their employment. Specific restrictions or requirements (such as the interval between the last day of work and the actual relocation) may greatly affect eligibility.

Comments, corrections, and updates are greatly appreciated, and may be forwarded to webmaster@mscn.org

Unemployment Compensation Eligibility Key:

- ✓ Indicates states where we have verified that military spouses *generally* are eligible for benefits.
- ❖ Indicates states where military spouses *generally* are eligible for benefits *following a defined period of ineligibility*.
- ❑ Indicates states with recent or pending legislative or administrative activity intended to change eligibility
- Indicates states where terminating employment to accompany a spouse creates explicit ineligibility
- Indicates states where eligibility is established on a case-by-case basis, and more specific verification efforts are in progress.

- **ALABAMA** <http://www.legislature.state.al.us/codeofalabama/1975/25%2D4%2D78.htm>
 Section 25-4-78 – Disqualification for benefits.
 An individual shall be disqualified for total or partial unemployment:....
 (2) VOLUNTARILY QUITTING WORK. - If he has left his most recent bona fide work voluntarily without good cause connected with such work....
 b. When an individual is disqualified under this subdivision (2):
 1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until:
 (i) He has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of Section 25-4-10; and
 (ii) For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed; and
 (iii) He has been separated from such employment under nondisqualifying conditions.
 2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.
- ❖ **ALASKA** http://www.labor.state.ak.us/esd_unemployment_insurance/UICHB2000.pdf
 If you quit a job without good cause, are fired for misconduct connected with the job, or refuse work that is suitable for you without good cause, you will not receive benefits for the first week you are unemployed, and the next five weeks. You also forfeit three weeks' worth of benefits and will be denied Extended Benefits. The six-week disqualification can be ended if you earn eight times your weekly benefit amount during the six-week disqualification period. The reduction of three times your weekly benefit amount will not be restored.
- **ARIZONA** <http://www.azleg.state.az.us/ars/23/775.htm>
 23-775. Disqualification from benefits; definitions
 An individual shall be disqualified for benefits:
 1. For the week in which he has left work voluntarily without good cause in connection with the employment, and in addition to the waiting week, for the duration of his unemployment

and until he has earned wages in an amount equivalent to five times his weekly benefit amount otherwise payable. If a person leaves because of transportation difficulties he shall be disqualified unless he can show his travel requirements are in excess of the normal practice in his occupation and his past practice or that he has compelling personal circumstances requiring his leaving. Compelling personal circumstances shall include but are not limited to a showing of any of the following:

- (a) Over thirty miles distance from his home to his work.
- (b) More than one and one-half hours to reach work.

• **ARKANSAS** <http://www.arkleg.state.ar.us/newsdcode/lpext.dll?f=templates&fn=default.htm>

11-10-513. Disqualification – Voluntarily leaving work.

(a)(1) If so found by the Director of the Arkansas Employment Security Department, an individual shall be disqualified for benefits if he voluntarily and without good cause connected with the work left his last work.

(2)(A) An individual working as a temporary employee will be deemed to have voluntarily quit employment and will be disqualified for benefits under this subsection if, upon conclusion of his latest assignment, the temporary employee without good cause failed to contact the temporary help firm for reassignment, provided that the employer advised the temporary employee at the time of hire that he must report for reassignment upon conclusion of each assignment and that unemployment benefits may be denied for failure to do so.

(B)(i) As used in this subsection, "temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's work force in work situations such as employees' absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

(ii) The term does not include employee leasing companies regulated under § 11-10-717(e).

(C) "Temporary employee" means an employee assigned to work for the clients of a temporary help firm.

(3) The disqualification shall continue until, subsequent to filing a claim, he has had at least thirty (30) days of employment covered by an unemployment compensation law of this state, another state, or the United States.

(b) No individual shall be disqualified under this section if, after making reasonable efforts to preserve his job rights, he left his last work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification or if, after making reasonable efforts to preserve job rights, he left his last work because of illness, injury, pregnancy, or other disability.

✓ **CALIFORNIA** <http://www.edd.cahwnet.gov/uibdg/uvq155.htm#vq155a>

Title 22, Section 1256-12 (b), provides:

Good Cause. A claimant leaves the most recent work with good cause if the claimant has taken reasonable steps to preserve the employment relationship and the claimant left work due to circumstances relating to the claimant's prospective or existing marital status of such a compelling nature as to require the claimant's presence, including any of the following:

(2) The claimant is required to leave his or her work to accompany his or her spouse to, or join his or her spouse at, another location because it is impossible or impractical for the claimant to commute to his or her work from the new location, due to any of the following:

....

(C) The need to preserve family unity.

NOTE: You may be denied benefits if your employer has a facility located within the commuting area of your partner's new duty station, and you fail to request a transfer.

➤ **COLORADO**

8-73-108 Benefit awards.

(5) Disqualification. (a) ...

(e) Subject to the maximum reduction consistent with federal law, and insofar as consistent with interstate agreements, if a separation from employment occurs for any of the following reasons, the employer from whom such separation occurred shall not be charged for benefits which are attributable to such employment and, because any payment of benefits which are attributable to such employment out of the fund as defined in section 8-70-103 (13) shall be deemed to have an adverse effect on such employer's account in such fund, no payment of such benefits shall be made from such fund:

(IV) Quitting to move to another area as a matter of personal preference or to maintain contiguity with another person or persons, unless such move was for health reasons or pursuant to the provisions of paragraph (f) of subsection (4) [provisions related to the construction industry] of this section;

Pertinent Case Law

Marital obligation not ground for full compensation. Where a wife quits employment in order to move her residence with her husband, a claim for full compensation cannot be supported on a marital obligation ground. *Mountain States Tel. & Tel. Co. v. Department of Labor & Emp.*, 197 Colo. 335, 592 P.2d 808 (1979).

• **CONNECTICUT** <http://www.cga.state.ct.us/2000/rpt/olr/2000-r-0091.doc>

Under Connecticut law, a claimant is not eligible if he voluntarily leaves suitable work without good cause attributable to his employer. The disqualification lasts until the claimant gets another job and earns at least 10 times his benefit rate.

Six non-work-related reasons for leaving are exempt from this disqualification and are considered "qualifying quits": leaving (1) to care for a seriously ill spouse, child, or live-in parent; (2) because transportation to work, other than a personal vehicle, was discontinued and there is no other reasonable transportation; (3) work taken while on layoff when recalled by a former employer; (4) solely because of a government law or regulation; (5) part-time work to accept full-time work; and (6) work to protect yourself or a child living with you from domestic violence.

• **DELAWARE**

Title 19 Delaware Code § 3315. Disqualification for benefits.

An individual shall be disqualified for benefits:

(1) For the week in which the individual left work voluntarily without good cause attributable to such work and for each week thereafter until the individual has been employed in each of 4 subsequent weeks (whether or not consecutive) and has earned wages in covered employment equal to not less than 4 times the weekly benefit amount.

• **DISTRICT OF COLUMBIA**

Information unavailable at this time.

• **FLORIDA**

Title XXXI § 443.101 Disqualification for benefits.--An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left his or her work without good cause attributable to his or her employing unit or in which the individual has been discharged by his or her employing unit for misconduct connected with his or her work, if so found by the division. The term "work," as used in this paragraph, means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting shall continue for the full period of unemployment next ensuing after he or she has left his or her full-time, part-time, or temporary work

voluntarily without good cause and until such individual has earned income equal to or in excess of 17 times his or her weekly benefit amount; the term "good cause" as used in this subsection includes only such cause as is attributable to the employing unit or which consists of illness or disability of the individual requiring separation from his or her work. No other disqualification may be imposed.

- ❑ **GEORGIA** http://www2.state.ga.us/Legis/1999_00/leg/sum/hb1343.htm
34-8-194. An individual shall be disqualified for benefits: (1) For the week or fraction thereof in which the individual has filed an otherwise valid claim for benefits after such individual has left the most recent employer voluntarily without good cause in connection with the individual's most recent work. Good cause shall be determined by the Commissioner according to the circumstances in the case. To requalify following a disqualification, an individual must secure subsequent employment for which the individual earns insured wages equal to at least ten times the weekly benefit amount of the claim and then becomes unemployed through no fault on the part of the individual. Notwithstanding the foregoing, in the Commissioner's determination the burden of proof of good work connected cause for voluntarily leaving such work shall be on the individual. <http://www.ganet.org/cgi-bin/pub/ocode/ocgsearch?docname=OCODE/G/34/8/194&highlight=unemployment>

HB1343 - A BILL to amend Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to unemployment benefits, so as to provide that on or after July 1, 2000, the spouse of a transferred active member of the armed forces shall be deemed to have good cause to voluntarily quit his or her job to accompany the military spouse; and for other purposes.

- **GUAM**

Information unavailable at this time.

- **HAWAII**

§383-30 Disqualification for benefits. An individual shall be disqualified for benefits:
(1) Voluntary separation. ... For any week beginning on and after October 1, 1989, in which the individual has left the individual's work voluntarily without good cause, and continuing until the individual has, subsequent to the week in which the voluntary separation occurred, been paid wages in covered employment equal to not less than five times the individual's weekly benefit amount as determined under section 383-22(b).
§383-65 Charges and noncharges for benefits. ...
(b) Benefits paid to an individual shall not be charged against the account of any of the individual's base period employers on a contributory plan under section 383-61 when such benefits are:
(1) Paid to an individual during any benefit year if the individual:
(A) Left work voluntarily without good cause; or
(C) Left work voluntarily for good cause not attributable to the employer.

- **IDAHO** <http://www3.state.id.us/cgi-bin/newidst?sctid=720130066.K>
TITLE 72 CHAPTER 13 § 72-1366.
PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that ...
(5) The claimant's unemployment is not due to the fact that he left his employment voluntarily without good cause connected with his employment, or that he was discharged for misconduct in connection with his employment. ...
(13) A claimant shall not be entitled to benefits if his principal occupation is self-employment.
(14) A claimant who has been found ineligible for benefits under the provisions of subsection (5), ... of this section shall reestablish his eligibility by having obtained bona

vide work and received wages therefor in an amount of at least twelve (12) times his weekly benefit amount.

- **ILLINOIS** <http://www.legis.state.il.us/ilcs/ch820/ch820act405.htm>
820 ILCS Sec. 405/601. Voluntary leaving. A. An individual shall be ineligible for benefits for the week in which he has left work voluntarily without good cause attributable to the employing unit and, thereafter, until he has become reemployed and has had earnings equal to or in excess of his current weekly benefit amount in each of four calendar weeks which are either for services in employment, or have been or will be reported pursuant to the provisions of the Federal Insurance Contributions Act by each employing unit for which such services are performed and which submits a statement certifying to that fact.
- ✓ **INDIANA** <http://www.state.in.us/legislative/ic/code/title22/ar4/ch15.html>
IC 22-4-15-1
(c) The disqualifications provided in this section shall be subject to the following modifications:
(7) An individual who, but for the voluntary separation to move to another labor market to join a spouse who had moved to that labor market, shall not be disqualified for that voluntary separation, if the individual is otherwise eligible for benefits. Benefits paid to the spouse whose eligibility is established under this subdivision shall not be charged against the employer from whom the spouse voluntarily separated.
As used in this subsection, "labor market" means the area surrounding an individual's permanent residence, outside which the individual cannot reasonably commute on a daily basis. In determining whether an individual can reasonably commute under this subdivision, the department shall consider the nature of the individual's job.
- **IOWA** <http://www.legis.state.ia.us/IACODE/1999SUPPLEMENT/96/5.html>
96.5 Causes for disqualification.
An individual shall be disqualified for benefits:
1. *Voluntary quitting*. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.
- ✓ **KANSAS** <http://www.ink.org/public/legislative/statutes/statutes.cgi>
44-706. (a) An individual shall not be disqualified under this subsection (a) if:
(4) the individual left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which is for the same employer or for a different employer, at a geographic location which makes it unreasonable for the individual to continue work at the individual's job;
- **KENTUCKY**
341.370 Disqualifications—Length of time.
(1) A worker shall be disqualified from receiving benefits for the duration of any period of unemployment with respect to which:....
(c) He has left his most recent suitable work or any other suitable work which occurred after the first day of the worker's base period and which last preceded his most recent work voluntarily without good cause attributable to the employment.
(7) "Duration of any period of unemployment," as that term is used in this section, shall be the period of time beginning with the worker's discharge, voluntary quitting, or failure to apply for or accept suitable work and running until the worker has worked in each of ten (10) weeks, whether or not consecutive, and has earned ten (10) times his weekly benefit rate in employment covered under the provisions of this chapter or a similar law of another state or of the United States.

HB505 (BR 1814) - J. Gray, S. Nunn <http://www.lrc.state.ky.us/record/00rs/HB505.htm>

AN ACT relating to unemployment insurance.

Amend KRS 341.370 to allow unemployment insurance benefits to a spouse of a military member who leaves a job to accompany the military member upon reassignment by the military and to allow unemployment insurance benefits to a worker who leaves a job as a consequence of domestic violence against the worker or the worker's child.

STATUS:

Jan 27, 2000 - introduced in House

Mar 21, 2000 - recommitted to Senate Economic Development, Tourism & Labor Committee

- **LOUISIANA** http://www.legis.state.la.us/tsrs/rs/23/rs_23_1601.htm
RS 23 §1601. Disqualification for benefits
An individual shall be disqualified for benefits:
(1)(a) If the administrator finds that he has left his employment from a base period or subsequent employer without good cause attributable to a substantial change made to the employment by the employer. Such disqualification shall continue until such time as the claimant can requalify by demonstrating that he:
(i) Has been paid wages for work subject to the Louisiana Employment Security Law or to the unemployment insurance law of any other state or the United States equivalent to at least ten times his weekly benefit amount following the week in which the disqualifying separation occurred.
- ✓ **MAINE** <http://janus.state.me.us/legis/statutes/26/title26sec1193.html>
Title 26, Ch. 13 § 1193
1. A.A claimant may not be disqualified under this paragraph if:
(2) The leaving was necessary to accompany, follow, or join the claimant's spouse in a new place of residence and the claimant can clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market, and the claimant is in all respects able, available and actively seeking suitable work.
- **MARYLAND** <http://www.dlr.state.md.us/employment/uiissues.html#VQ>
If you quit your job without good cause attributable to your employment. Either of two disqualifications may apply: Denial of benefits (a) from 5 to 10 weeks from your last day of work, or (b) until you become re-employed and earn 15 times your Weekly Benefit Amount in insured work (voluntarily leaving to join a spouse, to attend school or become self-employed result in this penalty as provided by the Maryland Unemployment Insurance Law).
- **MASSACHUSETTS** <http://www.detma.org/>
In general, workers may be determined ineligible and have their claims indefinitely disqualified if they become unemployed for the following reasons:
 - Voluntarily quitting his or her job without "good cause" attributable to the employer. If the individual establishes that the reasons for leaving were of such a compelling nature that separation was actually involuntary, benefits will be paid and you will not be charged. However, reimbursable employers will have to finance these benefits totally as these benefits may not be charged to the solvency account.
 - Quitting a job to join one's spouse or any other person at a new location.
To requalify for benefits after being disqualified for one of the reasons listed above, the claimant must return to work for at least eight weeks, and in each of the eight weeks earn an amount equal to or greater than the weekly benefit amount on the claim. In addition, the separation from the new job must be involuntary.
- **MICHIGAN**
421.29 Disqualification from benefits. [M.S.A. 17.531]

Sec. 29. (1) An individual is disqualified from receiving benefits if he or she: (a) Left work voluntarily without good cause attributable to the employer or employing unit. However, if the individual has an established benefit year in effect and during that benefit year leaves unsuitable work within 60 days after the beginning of that work, the leaving does not disqualify the individual.

(2) A disqualification under subsection (1) begins the week in which the act or discharge that caused the disqualification occurs and continues until the disqualified individual requalifies under subsection (3)....

(3)...(e) For benefit years beginning after the conversion date prescribed in section 75, if the individual is disqualified under subsection (1)(a) or (b), he or she shall requalify, after the week in which the disqualifying act or discharge occurred by earning in employment for an employer liable under this act or the unemployment compensation law of another state at least the lesser of the following: (i) Seven times the individual's weekly benefit rate. (ii) Forty times the state minimum hourly wage times 7.

HB 4584 Introduced by Rep. Robert Brackenridge on April 8, 1997

Amends Sec. 29 of 1936 (MCL 421.29). to remove the disqualification and permit employee to collect unemployment benefits due to military transfer of spouse.

04/08/1997 referred to Committee on Labor and Occupational Safety

- **MINNESOTA**

268.095 Disqualification provisions.

Subdivision 1. Quit. An applicant who quit employment shall be disqualified from all unemployment benefits except when:

(1) the applicant quit the employment because of a good reason caused by the employer;....

- **MISSISSIPPI**

SEC. 71-5-513. Disqualifications.

A. An individual shall be disqualified for benefits:

(1) (a) For the week, or fraction thereof, which immediately follows the day on which he left work voluntarily without good cause, if so found by the commission, and for each week thereafter until he has earned remuneration for personal services performed for an employer, as in this chapter defined, equal to not less than eight (8) times his weekly benefit amount, as determined in each case, provided that marital, filial and domestic circumstances and obligations shall not be deemed good cause within the meaning of this subsection. Pregnancy shall not be deemed to be a marital, filial or domestic circumstance for the purpose of this subsection....

(c) The burden of proof of good cause for leaving work shall be on the claimant, and the burden of proof of misconduct shall be on the employer.

- **MISSOURI** <http://www.moga.state.mo.us/statutes/C200-299/2880050.HTM>

288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer;

- **MONTANA**

39-51-2302. Disqualification for leaving work without good cause.

(1) An individual must be disqualified for benefits if the individual has left work without good cause attributable to the individual's employment....

(3) To requalify for benefits, an individual shall perform services for which remuneration is received equal to or in excess of six times the individual's weekly benefit amount subsequent to the week in which the act causing the disqualification occurred unless the individual has been in regular attendance at an educational institution accredited by the state of Montana for at least 3 consecutive months from the date of the individual's enrollment. The services must constitute employment as defined in 39-51-203 and 39-51-204.

❖ **NEBRASKA** <http://assist.ded.state.ne.us/empsecur.html>

48-628. An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has left work voluntarily without good cause, if so found by the commissioner, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner according to the circumstances in each case.

✓ **NEVADA** <http://www.leg.state.nv.us/NRS/NRS-612.html>

NRS 612.380 Leaving last or next to last employment without good cause or to seek other employment.

1. Except as otherwise provided in subsection 2, a person is ineligible for benefits for the week in which he has voluntarily left his last or next to last employment:

(a) Without good cause, if so found by the administrator, and until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks.

(b) To seek other employment and for all subsequent weeks until he secures other employment or until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks, if so found by the administrator.

Clarification Received from the State of Nevada:

"The State of Nevada recognizes the need for families of military personnel to relocate when the [military member's] permanent duty station has been changed. Nevada Revised Statute 612.551 specifically addresses this situation as it pertains to a charge being placed against an employer's account, but the law does not specifically define that circumstance as being a quit with good cause (NRS 612.380). Precedent and policy dictate that we do not disqualify for this reason. You may review the revised statutes at <http://www.leg.state.nv.us/NRS/NRS-612.html>.

When reviewing a voluntary resignation, we determine whether or not there are reasonable alternatives available prior to the separation. In the case of a military transfer, if the [military member] is being "temporarily" reassigned, then there is a potential for disqualification. Likewise, if the reassignment does not require the family to move [such as Permanent Change of Station Orders within the same commuting area.] If an individual is disqualified from receiving benefits based on a resignation without good cause or a discharge for misconduct, the individual must either win an appeal or return to work in covered employment, earning no less than their weekly benefit amount in each of 10 different weeks prior to becoming requalified. The State of Nevada pays weekly benefits in the range of \$16 weekly to a maximum of \$291 weekly."

(Source: Personal Communication, November 15, 2000 - VR8356 Department Representative)

• **NEW HAMPSHIRE** <http://sudoc.nhsl.lib.nh.us/rsa/23/282-A-32.HTM>

Title 23 RSA § 282-A:32

Disqualifications for Benefits. – An individual shall be disqualified for benefits:

I. Until the individual has earned in each of 5 weeks wages in employment as defined in RSA 282-A:9, except RSA 282-A:9, IV(f) [i.e., Federal employment], or wages earned in a

like manner in another state, of at least 20 percent more than such individual's weekly benefit amount, subsequent to the date:

(a) The individual left work voluntarily without good cause in accordance with rules of the commissioner.

- **NEW JERSEY** <http://www.state.nj.us/labor/uiex/uiinfo/nofault.htm>

If you voluntarily quit your job without good cause connected with the work, or if you voluntarily chose to retire, you may be indefinitely disqualified from benefits. To remove the disqualification you must return to work for at least four (4) weeks, earn at least six (6) times your weekly benefit rate, and then become unemployed again through no fault of your own.

The money to pay these benefits comes from a payroll tax paid by employers and workers. Effective January 1, 2000, the taxable wage base is \$21,200 and is subject to a worker tax rate of .425 percent. The maximum worker contribution is \$90.10, but the contribution will be allocated to the Unemployment Insurance Trust Fund to a maximum of \$42.40.

- **NEW MEXICO**

NMSA Article I, Sec. 51-1-7. Disqualification for benefits.

An individual shall be disqualified for, and shall not be eligible to receive, benefits:

A. if it is determined by the division that he left his employment voluntarily without good cause in connection with his employment.... For purposes of this subsection, "employment" means the individual's last employer as defined by the regulations of the secretary and the provisions of the Subsection C of Section 51-1-8 NMSA 1978. The disqualification shall continue for the duration of his unemployment and until he has earned wages in such bona fide employment other than self-employment as provided by regulation of the secretary in an amount equivalent to five times his weekly benefit amount otherwise payable.

- **NEW YORK**

NYSCL, Article 18, Title 7, § 593. Disqualification for benefits.

1. Voluntary separation. (a) No days of total unemployment shall be deemed to occur after a claimant's voluntary separation without good cause from employment until he or she has subsequently worked in employment and earned remuneration at least equal to five times his or her weekly benefit rate.... (b) A disqualification as provided in this subdivision shall also apply after a claimant's voluntary separation from employment if such voluntary separation was due to claimant's marriage.

- ❖ **NORTH CAROLINA**

NCGS Ch. 96, Article 1 § 96-14. Disqualification for benefits. ...

(1a) Where an individual leaves work, the burden of showing good cause attributable to the employer rests on said individual, and the burden shall not be shifted to the employer.

...

(1d) For the purposes of this Chapter, any claimant leaving work to accompany the claimant's spouse to a new place of residence where that spouse has secured work in a location that is too far removed for the claimant reasonably to continue his or her work shall serve a time certain disqualification for benefits for a period of five weeks beginning the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits.

- **NORTH DAKOTA** <http://www.state.nd.us/jsnd/faquins2.htm>
If you voluntarily quit work without good cause attributable to your employer, you will be disqualified from benefits until you obtain subsequent employment and earn wages of not less than eight times your current weekly benefit amount.

- ❖ **OHIO** http://www.state.oh.us/obes/html/unemployment_compensation_faq_.htm#quit
Domestic: If the applicant quit to marry; to care for a spouse, child(ren), parent(s); or to relocate with his/her spouse to another city, the requalification requirements are not as stringent. Instead, he/she must earn wages in covered employment equal to half of his/her average weekly wage, or \$60.00, whichever is less. (In other words, if you accept temporary employment at the new location and earn at least \$60.00, and then become unemployed, you could be found eligible to receive benefits based on having worked in Ohio prior to the transfer.)

- **OKLAHOMA** <http://www.oesc.state.ok.us/ui/default.htm>
A claimant who voluntarily leaves their last work without good cause connected to the work is subject to a disqualification which denies benefits until the claimant becomes re-employed and has earned wages equal to or in excess of ten (10) times their weekly benefit amount.

- **OREGON** <http://www.leg.state.or.us/ors/657.html>
ORS 657.176 Grounds and procedure for disqualification.
(2) An individual shall be disqualified from the receipt of benefits until the individual has performed service in employment subject to this chapter, or for an employing unit in this or any other state or Canada or as an employee of the federal government, for which remuneration is received that equals or exceeds four times the individual's weekly benefit amount subsequent to the week in which the act causing the disqualification occurred, if the authorized representative designated by the director finds that the individual:
(c) Voluntarily left work without good cause;
(4) An individual disqualified under subsection (2) of this section shall have the individual's maximum benefit amount reduced by eight times the individual's weekly benefit amount. However, in no event shall the individual's maximum benefit amount be reduced to less than the individual's weekly benefit amount unless the individual has previously received benefits during the individual's benefit year.
(6) For purposes of applying subsection (2) of this section, when an individual has notified an employer that the individual will leave work on a specific date and it is determined:
(a) That such separation would be for reasons that constitute good cause;
(b) The individual voluntarily left work without good cause prior to the date of the impending good cause voluntary leaving date; and
(c) The actual voluntary leaving of work occurs no more than 15 days prior to the planned date of voluntary leaving, then such separation from work shall be adjudicated as if the actual voluntary leaving had not occurred and the planned voluntary leaving had occurred. However, the individual shall be ineligible for benefits for the period including the week in which the actual voluntary leaving occurred through the week prior to the week of the planned good cause voluntary leaving date.
(8) For purposes of applying subsection (2) of this section, when an individual has notified an employer that the individual will leave work on a specific date and it is determined:
(a) That such voluntary leaving would be for reasons that do not constitute good cause;
(b) The employer discharged the individual, but not for misconduct connected with work, prior to the date of the planned voluntary leaving; and
(c) The actual discharge occurs no more than 15 days prior to the planned voluntary leaving, then such separation from work shall be adjudicated as if the discharge had not occurred and the planned voluntary leaving had occurred. However, the individual shall be eligible for benefits for the period including the week in which the actual discharge

occurred through the week prior to the week of the planned voluntary leaving date.

✓ **PENNSYLVANIA**

Benefits may be denied if a claimant voluntarily quit without necessitous and compelling cause; In cases where a claimant voluntarily terminates his/her employment, the burden of proof is on the claimant to show the existence of necessitous and compelling reason(s) for quitting. When a claimant has been denied benefits for either quitting his/her employment without cause of a necessitous and compelling reason or has been discharged for willful misconduct, the individual may purge the disqualification for benefits by earning at least six times his/her weekly benefit rate and having a valid separation from the subsequent employer; or earning six times his/her weekly benefit rate in continuing part-time employment. Earnings from self-employment or a sideline business cannot be used to requalify for benefits.

For unemployment compensation purposes, when a claimant voluntarily terminates employment to follow a spouse to a new location, the claimant must establish the existence of a family unit at the time of termination. Kurtz v. Unemployment Compensation Board of Review, 516 A.2d 410 (Pa. Cmwlth. 1986), appeal denied, 516 Pa. 644, 533 A.2d 715 (1987). Once this burden is met, the claimant must also show that, among other things, the relocation was caused by circumstances beyond the control of claimant's spouse and was not brought about by purely personal reasons. Lechner v. Unemployment Compensation Board of Review, 639 A.2d 1317 (Pa. Cmwlth. 1994).
<http://www.uchelp.com/database/law/pa/long.htm>

• **PUERTO RICO**

Information unavailable at this time.

✓ **RHODE ISLAND** <http://www.rilin.state.ri.us/statutes/title28/28%2D44/S00018.HTM>

§ 28-44-17 Voluntary leaving without good cause. – An individual who leaves work voluntarily without good cause shall be ineligible for waiting period credit or benefits for the week in which the voluntary quit occurred and until he or she establishes to the satisfaction of the director that he or she has subsequent to that leaving had at least eight (8) weeks of work, and in each of those eight (8) weeks has had earnings of at least twenty (20) times the minimum hourly wage as defined in chapter 12 of this title for performing services in employment for one or more employers subject to chapters 42 – 44 of this title. ... For the purposes of this section, voluntarily leaving work without good cause shall include voluntarily leaving work with an employer to accompany, join or follow his or her spouse in a new locality in connection with the retirement of his or her spouse....
(NOTE: leaving employment upon **retirement** of the military partner would result in disqualification for benefits, but benefits would be payable in conjunction with a PCS relocation.)

□ **SOUTH CAROLINA** <http://www.lpittr.state.sc.us/bil95-96/4864.htm>

SECTION 41-35-120. Disqualification for benefits.

Any insured worker is ineligible for benefits for:

(1) Leaving work voluntarily. - If the Commission finds that he has left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the Commission that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for such services equal to at least eight times the weekly benefit amount of his claim.

General Bill 4864 was introduced by the House on April 2, 1996, sponsored by Rep. Lanford and co-sponsored by Rep. Allison. GB 4864 currently resides in the House with

the Labor, Commerce and Industry Committee. The purpose of the bill is: To amend the Code of Laws of South Carolina, 1976, by adding Section 41-35-125 so as to provide that no individual otherwise eligible for unemployment benefits shall be denied the benefits when his spouse has been transferred to a certain location, the individual actively attempts for a certain period to secure employment in the area in which his spouse is working, and the individual leaves work voluntarily.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The 1976 Code is amended by adding:

"Section 41-35-125. Notwithstanding Sections 41-35-110 and 41-35-120 or any other provision of this title, no individual otherwise eligible for benefits under this title shall be denied the benefits when:

- (1) his spouse has been transferred for employment purposes to a location more than seventy-five actual miles from their residence;
- (2) the individual actively attempts for a period of six months to secure employment in the area in which his spouse is working; and
- (3) the individual leaves work voluntarily."

SECTION 2. This act takes effect upon approval by the Governor.

• SOUTH DAKOTA

61-6-13. Waiting period after voluntary separation without good cause -- Reduction of maximum benefit amount -- Trade readjustment payments. An unemployed individual who, voluntarily without good cause, left his most recent employment of an employer or employing unit, after employment lasting at least thirty calendar days is denied benefits until he has been reemployed at least six calendar weeks in insured employment during his current benefit year and has earned wages of not less than his weekly benefit amount in each of those six weeks.

If additional claims are filed by a claimant during a benefit year after employment, the thirty calendar day requirement does not apply in determining disqualifications.

61-6-13.1. "Good cause" for voluntarily leaving employment restricted to certain situations. "Good cause" for voluntarily leaving employment is restricted to leaving employment because:

- (1) Continued employment presents a hazard to the employee's health. However, this subdivision applies only if:
 - (a) Prior to the separation from the employment the employee is examined by a licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5, and advised that continued employment presents a hazard to his health; and
 - (b) The health hazard is supported by a certificate signed by the licensed practitioner of the healing arts.

The secretary of labor may request an additional certificate signed by another licensed practitioner of the healing arts, as defined in chapter 36-4 or 36-5;

- (2) The employer required the employee to relocate his residence to hold his job;
- (3) The employer's conduct demonstrates a substantial disregard of the standards of behavior that the employee has a right to expect of his employer or the employer has breached or substantially altered the contract for employment;
- (4) An individual accepted employment while on lay off and subsequently quit such employment to return to work for his regular employer; or
- (5) The employee's religious belief mandates it. This provision does not apply, however, if the employer has offered to the employee reasonable accommodations taking into consideration the employee's religious beliefs if this offer is made before the employee leaves the employment.

• TENNESSEE

§50-7-303 (1) If the administrator finds that the claimant has left such claimant's most recent work voluntarily without good cause connected with such claimant's work. Such

disqualification shall be for the duration of the ensuing period of unemployment and until such claimant has secured subsequent employment covered by an unemployment compensation law of this state, or another state, or of the United States, and was paid wages thereby ten (10) times such claimant's weekly benefit amount. No disqualification shall be made hereunder, however, if such claimant presents evidence supported by competent medical proof that such claimant was forced to leave such claimant's most recent work because such claimant was sick or disabled and notified such claimant's employer of that fact as soon as it was reasonably practical to do so, and returned to that employer and offered to work as soon as such claimant was again able to work, and to perform such claimant's former duties. Pregnancy shall be considered in the same way as any other illness or disability within the meaning of this subsection. At the expiration of such period, if the claimant is not reemployed, such claimant shall be entitled to unemployment benefits hereunder, if otherwise eligible under the provisions of this chapter. Nor shall this disqualification apply to a claimant who left such claimant's work in good faith to join the armed forces of the United States;

❖ **TEXAS** <http://www.twc.state.tx.us/ui/bnfts/claimant1.html#qualify>

If you quit to move with your husband or wife, you may be able to receive benefits after a disqualification of 6 to 25 weeks. This is a disqualification of both time and money, because they must subtract the number of disqualified weeks from your total benefits.

➤ **UTAH** <http://www.rules.state.ut.us/publicat/code/r994/r994-405.htm#T4>

If an individual quit work to join, accompany, or follow a spouse to a new locality, good cause is not established. Furthermore, the equity and good conscience standard is not to be applied in this circumstance. It is the intent of this provision to deny benefits even though a claimant may have faced extremely compelling circumstances including the cost of maintaining two households and the desire to keep the family intact.

❖ **VERMONT** <http://www.leg.state.vt.us/statutes/title21/01344.htm>

21 VSA § 1344. Disqualifications

(a) An individual shall be disqualified for benefits:

(1) For not more than 12 weeks nor less than 6 weeks immediately following the filing of a claim for benefits (in addition to the waiting period) as may be determined by the commissioner according to the circumstances in each case, if the commissioner finds that:....

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section [i.e., due to a documented health condition], until he has presented evidence to the satisfaction of the commissioner that he has performed services in employment for a bona fide employer and has had earnings in excess of six times his weekly benefit amount if the commissioner finds that such individual is unemployed because:

(A) He has left the employ of his last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation.

➤ **VIRGINIA** <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+60.2-618>

§ 60.2-618. Disqualification for benefits.

An individual shall be disqualified for benefits upon separation from the last employing unit for whom he has worked thirty days or 240 hours or from any subsequent employing unit:

1. For any week benefits are claimed until he has performed services for an employer (i) during thirty days, whether or not such days are consecutive, or (ii) for 240 hours, and subsequently becomes totally or partially separated from such employment, if the Commission finds such individual is unemployed because he left work voluntarily without good cause. As used in this chapter, "good cause" shall not include (i) voluntarily leaving

work with an employer to become self-employed or (ii) voluntarily leaving work with an employer to accompany or to join his or her spouse in a new locality.

(See also testimony provided in Barbara Austin v. Sandra Berryman, et al (Virginia Employment Commission) for a discussion of the origin of Virginia's disqualification to accompany or join a spouse in a new locality—a disqualification instituted with the specific intent of precluding military spouses who were state employees from receiving unemployment benefits.)

- ✓ **WASHINGTON** <http://itsc.state.md.us/wuier/pages/ui/ElectronicResources/rcw/rcw5020a.htm>
On February 1, 2000, the Washington State Legislature passed SHB 3077, an act relating to unemployment insurance. The new regulation, contained at RCW 50.20.050, *Disqualification for leaving work voluntarily without good cause*, provides that individuals who quit work to follow a spouse who changes employment to a different labor market area due to an *employer-initiated mandatory transfer* may establish this as a voluntary quit for good cause and may receive unemployment insurance benefits. If an individual quits work because of marital status or domestic responsibility, including quitting work to follow a spouse who *voluntarily* changes employment to a different labor market area, the individual is disqualified but may requalify by allowing a lapse of seven weeks, rather than five weeks, and by earning seven times his or her weekly benefit amount, rather than five times, or may report in person to a local job service office for 10 weeks that he or she is able to work and is seeking work.

- **WEST VIRGINIA** <http://www.state.wv.us/bep/UC/Ucforwv.htm>
You will be disqualified if the deputy finds that you:
Quit your most recent work voluntarily without good cause involving fault on the part of your employer;
you must requalify by working and earning 8 times your old weekly benefit amount. The earnings must be in covered employment.

- **WISCONSIN** <http://www.dwd.state.wi.us/uibola/UIAC/>
108.04(7) Voluntary termination of work.
(a) If an employee terminates work with an employing unit, the employee is ineligible to receive benefits until 4 weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least 4 times the employee's weekly benefit rate under §108.05 (1) in employment or other work covered by the unemployment insurance law of any state or the federal government. For purposes of requalification, the employee's weekly benefit rate shall be that rate which would have been paid had the termination not occurred. This paragraph does not preclude an employee from establishing a benefit year by using the base period wages paid by the employer from which the employee voluntarily terminated, if the employee is qualified to establish a benefit year under § 108.06 (2) (a).

The Wisconsin Unemployment Insurance Advisory Committee (UIAC) has discussed a proposal to remove the disqualification for benefits when a military spouse leaves employment to accompany the military partner under PCS orders. However, no legislation has been introduced, nor has a formal proposal yet come out of the UIAC.

- **WYOMING**
27-3-311. Disqualifications from entitlement; grounds; forfeiture.
(a) An individual shall be disqualified from benefit entitlement beginning with the effective date of an otherwise valid claim or on the date the failure occurred, until he has been employed in an employee-employer relationship for a period of at least twelve (12) weeks whether or not consecutive, and has earned at least twelve (12) times the weekly benefit amount of his current claim for services after that date, if the department finds that he:

(i) Left his most recent work voluntarily without good cause attributable directly to his employment....



mscn.org

The Military Spouses' Career Network was founded in 1996 as an outgrowth of the Spouse Employment Demonstration Project at the Naval Submarine Base, New London Connecticut. Sponsored by the Office of the Deputy Assistant Secretary of Defense for Personnel Support, Families and Education, Office of Family Policy, the goal of the **Spouse Employment Demonstration Program (SEDP)** grant was to promote effective, innovative, collaborative, and exportable installation projects to assist relocating military spouses in obtaining non-federal employment.

SUBASE NLON proposed the development of a professional association and networking group, modeled after the **Military Spouses' Business & Professional Association** of the Metro-DC area, and the **Military Spouses' Business & Professional Network** founded by military spouses in San Diego. The purpose of the group was to enable military spouses to collaborate, share employment leads and career development strategies and information, and mentor one another while developing their leadership and organizational skills, learning from the experiences of their peers.

Coupled with the professional association and networking group was the development of an **outreach campaign** consisting of an upbeat, employer-focused slide presentation modeled after the "Hire a Hero" campaign, developed to promote employment opportunities for returning Gulf War veterans. Association's members, Family Service Center staff, and others could give the presentation at local meetings of military-related organizations, chambers of commerce, Rotary, Lions, Jaycees and other civic groups, to introduce their members—local business leaders—to the many benefits of hiring military spouses.

Unfortunately, working military spouses found it difficult to balance the demands of their careers, families, and the incubation of the Association, with the logistics of attending networking meetings. In typical military style, one of the Association's founders accepted a job outside the commuting area and the human network became increasingly electronic as its members attempted to persevere across the miles. In short order, the **MSCN website** evolved, grew, built a loyal following, and in early 1999 established its own domain in cyberspace as a portal for career-oriented military spouses. Features were continually added to the MSCN website, including targeted, motivational articles on career development strategies, an interactive bulletin board, links to outstanding educational and employment resources, and an opportunity to "**Ask The Career Coach**," its most popular feature. The Career Coach has fielded over 400 inquiries on everything from interpreting "Spouse Preference" program requirements, obtaining career guidance, locating information on college financing, finding resources for self-employment, telecommuting, childcare... and yes, sorting out the tangle of unemployment compensation regulations. In 2000, The Career Coach (Dr. Paula Sind-Prunier) joined the **National Military Family Association's** Government Relations staff as its volunteer specialist on Spouse Employment issues.

The outreach presentation, **The Employers' Advantage** made its online debut in early 2000 as an article for employers visiting the MSCN website; future plans call for a portable multimedia presentation that local spouse employment advocates can download and present to area business groups. The MSCN continues to provide support and encouragement to military spouses worldwide, promoting the development of ad hoc, local networking groups, advocating for enhanced educational and career opportunities for military spouses, and promoting military retention and readiness through its support to dual-career military families.